

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

-against-

NYSHIEM SPENCER et al.,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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20 Cr. 78 (AT)

ORDER

The Court previously adopted the Government's proposed groupings of defendants for trial, and scheduled a jury trial to begin for the first group of defendants on May 2, 2022. ECF No. 188. On December 13, 2021, the Court asked the parties to provide blackout dates for trial for the second and third calendar quarters of 2022, in light of the centralized calendaring system for jury trials adopted by the Southern District of New York during the COVID-19 pandemic. ECF No. 302. On January 14, 2022, the parties provided a joint letter providing their availability, and indicating that counsel for Defendants Nyshiem Spencer and Stefvon Eley, in particular, were unavailable to proceed to trial until the fall of 2022. ECF No. 322. In compliance with the Court's directives, counsel for Defendants Nyshiem Spencer, Stefvon Eley, and Allan Gonzalez provided supplemental letters detailing their availability with greater specificity.

The Court has concluded, based on the parties' provided blackout dates and the Court's availability, that it is not practicable to set trial in this matter until the fourth calendar quarter of 2022. Accordingly, the Court shall request a trial in that quarter, with a control date of **October 3, 2022**. The trial scheduled for May 1, 2022, is therefore ADJOURNED to **October 3, 2022**. By **August 1, 2022**, the parties shall submit a joint letter providing any blackout dates for the fourth calendar quarter of 2022. The parties must provide specific reasons for any stated blackout dates—the Court will not accept blanket statements of unavailability.

As the remaining Defendants have indicated they wish to file motions for severance of trial, the Court sets the following briefing schedule.

1. By **February 22, 2022**, Defendants shall file any motion for severance;
2. By **March 15, 2022**, the Government shall file any response
3. By **March 29, 2022**, Defendants shall file their reply, if any.

SO ORDERED.

Dated: January 18, 2022
New York, New York



ANALISA TORRES
United States District Judge